

## SOMERVILLE CONDOMINIUM REVIEW BOARD REGULATIONS

The ordinance referred to in these regulations is Somerville Ordinance 1985-9, the Somerville Condominium Conversion Ordinance.

The Ordinance requires the issuance of removal permits for the conversion of rental units to condominiums and for the sale of a condominium unit which has most recently been a rental unit. A removal permit is not required for the sale to a current tenant who has occupied the unit for at least one year and who will continue to occupy the unit as an owner. (An exemption may be requested for sale to a current occupant.)

### ARTICLE I - APPLICATION

#### A. When to File

1. The application for removal of a rental unit which has been or will be converted to a condominium must be filed and approved before any action is brought to recover possession of the unit.
2. A declarant who intends to convert a housing accommodation to condominiums must give the Board and each of the tenants of any and all rental units therein written notice at least one (1) year in advance.
3. A condominium-unit owner who intends to sell a unit occupied by a tenant must give the Board and the affected tenant at least one (1) year's notice before filing an application for a removal permit.
4. Two (2) years' notice is required for a rental unit occupied in whole or in part by a handicapped, elderly, or low- or moderate-income tenant. (See Article III)

#### B. Application Form

1. Applications for removal permit shall be filed on the official application form. Any communications purporting to be an application shall be treated as mere notice of intention to file until such time as it is made on the official application form. All information called for by the form shall be furnished by the applicant in the manner therein prescribed.
2. Forms will be available from the Office of the Condominium Review Board.
3. Applications for exemption may be in the form of a letter explaining the basis for the exemption.
4. Applications shall be filed with the Chairman, Condominium Review Board, City

Hall, Somerville MA 02143.

5. If a permit is sought for a unit or units within a building in which no tenants reside, the application shall have attached to it, when filed, an affidavit from the applicant stating that fact. If deemed necessary, the Board may require that the applicant obtain written certification from the Building Department of the City of Somerville that said unit or units are unoccupied.

If a vacant unit was previously occupied by a tenant, information must be provided regarding the most-recent tenant, including the reason for moving and the tenant's current address, if known.

C. Notices

1. As indicated in Section A, tenants must be notified at least one year in advance. Their notice must include a Tenant Notice and a Tenant Information Request Form, as provided by the Board.
2. Notice required by the ordinance must be personally served or sent by certified or registered mail return receipt requested.
3. It is the applicant's responsibility to comply with all notice requirements as specified in the ordinance and to bear the cost of doing so.

D. Exhibits

1. Each applicant for conversion of a housing accommodation to condominium shall be accompanied by the documents required by Section 6 (c) of the ordinance, including, but not limited to:
  - a. an affidavit listing the names of all tenants in the building(s) to be converted;
  - b. a written statement that the notice requirements of the ordinance have been complied with and that the applicant has not and, to his best knowledge, his predecessors in title have not interrupted essential services as defined in Section 12 of the ordinance.

E. Fees

1. For removal permit, the filing fee shall be \$500.00 for each unit to be removed from the market, as defined in Section 4-I of the ordinance.
2. For a request for exemption, the administration filing fee shall be \$500.00 per unit..

3. Payment shall be made by certified check or money order payable to the City of Somerville.
4. No fees will be refunded.

## ARTICLE II - BOARD ACTION

### A. Meeting

1. The Board will schedule a meeting to consider the application and will notify the applicant of the meeting date.
2. The applicant must notify each affected tenant of the meeting date at least fourteen (14) days in advance. The applicant may also post a notice of the meeting date.
3. Meetings may be continued by the Board. If so, affected parties will be notified of the time, place and date of the continuance.

### B. Decision of the Board

1. The Board shall make its decision on or within fourteen (14) days after the meeting.
2. Notice of said decision shall be mailed promptly to the applicant and to any tenant affected by the decision.
3. Any person who is aggrieved by any decision of the Board may appeal said decision to a court of competent jurisdiction within thirty (30) days following the effective date of the decision.
4. Removal permits granted by the Board shall be transferable from developer to purchaser and thereafter shall run with the unit for which it was granted, until the unit is removed from the market.

## ARTICLE III - ACTION TO RECOVER PREMISES

- A. If tenants have received at least one year's notice, after the Board has approved an application to remove a unit from the rental market, the applicant may notify tenants of his or her intention to recover possession of the unit.
- B. In the case of a rental unit occupied in whole or in part by a handicapped tenant, an

elderly tenant, or a low- or moderate-income tenant, the notice period shall be at least two (2) years.

1. An “elderly tenant” is one who is at least 62 years of age.
2. A “handicapped tenant” is one who is physically handicapped as defined in Section 13A of Chapter 22 of the Massachusetts General Laws.
3. A “low- or moderate-income tenant” is one or more persons residing in the same rental unit whose combined income for the 12 months preceding the date of the notice is within the Section 8 limits set forth by the U.S. Department of Housing and Urban Development.

#### ARTICLE IV - WITHDRAWAL OF APPLICATION

- A. An application may be withdrawn at any time prior to a decision by the Board without penalty.
- B. Written notice of withdrawal must be filed with the Board.
- C. No fees will be refunded.

#### ARTICLE V - DENIAL, REAPPLICATION

- A. If an application for a removal permit is denied, no further application may be filed for the affected unit(s) by any person for six (6) months from the date of denial, and no application may be filed by the same applicant for the same unit(s) unless the Board grants permission to re-apply based upon its satisfaction that some significant change has occurred regarding material facts.
- B. Requests to re-apply shall be accompanied by an affidavit which specifies the facts which have changed and the manner in which those facts have changed. Requests to re-apply shall be heard by the Board.
- C. In no event shall the Board allow more than two (2) applications for removal permits to be filed for any unit within any twelve (12) month period.

The Board may grant reconsideration on written request by an affected landlord or tenant for good cause. A request for reconsideration must be made within twenty (20) days from the date of the decision of the Board.

#### ARTICLE VI - ABANDONMENT OF PLAN

- A. If a condominium-conversion plan is abandoned after removal permits have been approved, the applicant and any subsequent owner of the same housing accommodation may not send notice to any tenant in the same housing accommodation for a period of at least eighteen (18) months.
- B. The declarant shall be required to file with the Board a statement indicating abandonment of the condominium conversion plan, and the eighteen (18) month period shall begin to run on the date of said filing.

Note: The ordinance can be examined, at no cost, at the office of the City Clerk at City Hall, 93 Highland Avenue. Copies of the ordinance can also be purchased there.

